



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Dewhurst

**Respondent:** Hamilton Capital Group Limited

**Heard at:** Newcastle Employment Tribunal, remotely by CVP  
**On:** 22 August 2022

**Before:** Employment Judge Robertson

**Representation**  
**Claimant:** Mr A Johnston of Counsel  
**Respondent:** No appearance or representation

## JUDGMENT

The judgment of the Tribunal in Claim Number 2500038/2022 is that:

1. **The Claimant's claim for unfair dismissal under s111 Employment Rights Act 1996 is well-founded and succeeds.** The Respondent is ordered to pay the Claimant compensation for unfair dismissal in the sum of **£39,132** as follows:
  - a. A Basic award of £1,632; and
  - b. A Compensatory award of £37,500 calculated as follows:
    - i. £29,947.81 for financial losses;
    - ii. Increased to £37,434.76 by applying an uplift of 25% under section 207A Trade Union and Labour Relations Act 1992 ('ACAS uplift');
    - iii. £37,434.76 grossed up to £39,783;
    - iv. Reduced to £37,500 by application of the statutory cap.
2. **The Claimant's claim for payment in respect of 11 days' accrued but untaken holiday entitlement upon termination of his employment pursuant to regulation 23 of the Employment Rights Act 1996 is well-founded and succeeds.** The Respondent is ordered to pay to the Claimant the gross sum of **£1,267.86**.
3. Therefore, the total amount to be paid to the Claimant pursuant to this claim is **£40,399.86**.
4. The Claimant has not claimed any benefits and the recoupment regulations do not apply to the awards.

The Claimant's claims under Claim Number 2500038/2022 and 2500128/2022 for arrears of wages, a redundancy payment, notice pay and other payments are

dismissed upon withdrawal.

*Note: I gave the incorrect figure for grossing up during oral Reasons. The correct figure is stated at 1(b)(iii) above. The amount of the total award is unaffected.*

*L Robertson*

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Employment Judge Robertson

Date: 11 September 2022

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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